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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------------|
| 10/511,803 | 10/19/2004 | Nicolaas Lambert | NL 020296 | 4275 |
| 24737 7590 02/06/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510 | | | EXAMINER ALAM, MUSHFIKH I | |
| | | | ART UNIT 2623 | PAPER NUMBER |
| | | | MAIL DATE 02/06/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/511,803 | | LAMBERT ET AL. | |
| | Examiner | | Art Unit | |
| | Mushfikh Alam | | 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemmell (US 7237032) in view of Welch et al. (US 6735633).

Claim 1, Gemmell teaches a circuit for storing audiovisual data, said circuit being connectable to a main memory, said circuit comprising:

- an input for receiving data (col. 8, lines 24-25); and
- an output for distributing data stored in the main memory (buffer) (col. 8, lines 24-29);
- a processor (client) coupled to the input to receive data in layers (base layers, enhancing layers) (col. 2, lines 42-56);
- an auxiliary memory (cache memory), coupled to the processor for storing one or more enhancement layer (col. 8, lines 33-34, col. 9, lines 16-31); and
- wherein the circuit is further adapted to store one or more basic layers (base layer) in the main memory (buffer) (col. 9, lines 47-54). *The base layer is streamed to the client without any enhancement layers until told to do so, therefore, these base layers are contained in the buffer.*

Gemmell is silent regarding a circuit for storing audiovisual data, said circuit being connectable to a main memory, said circuit comprising:

- a data compression processor to compress the received data by means of bit-rate scalable compression.

Welch teaches a circuit for storing audiovisual data, said circuit being connectable to a main memory, said circuit comprising:

- a data compression processor (transformation processor) to compress the received data by means of bit-rate scalable compression (col. 8, lines 21-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided bit-rate scalable compression as taught by Welch to the processor of Gemmell to better manage bandwidth allocation (col. 2, lines 26-33).

Claim 4, Welch teaches a circuit according wherein the circuit is arranged to vary the amount of compression, preferably in a wide range of bit-rates and/or compressions (col. 8, lines 12-41). *A data stream may have different transmission rates for different bandwidth allocations, therefore the data streams bit-rates will vary.*

Claim 5, Gemmell teaches an apparatus for storing audiovisual data, said apparatus comprising: the circuit:

- an input terminal for receiving the data (at the client), coupled to the input of the circuit (col. 8, lines 24-25);
- an output terminal for supplying a delayed version of the data (data is held in the buffer), coupled to the output of the circuit (col. 7, lines 1-3, col. 8, lines 20-34); and

- a main memory (buffer) coupled to the output of the circuit and to the output terminal of the apparatus (col. 7, lines 1-3, col. 8, lines 20-34).

Claim 6 is analyzed as a method of claim 1.

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemmell (US 7237032) in view of Welch et al. (US 6735633) and further in view of Lerman et al. (US 6378036).

Claim 3, Gemmell, Welch are silent regarding a circuit according to claim 1, comprising a reversible queue mechanism.

Lerman teaches a circuit according to claim 1, comprising a reversible queue mechanism (col. 6, lines 60-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a reversible queue mechanism as taught by Lerman to the system of Gemmell and Welch to leave more time available for other requests (col. 6, lines 62-63).

Claim 2, Lerman teaches a circuit according to claim 1, wherein the auxiliary memory comprises a FIFO buffer (col. 2, lines 15-38).

Inquiries

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Art Unit: 2623


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mushfikh Alam whose telephone number is (571) 270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA
1/30/2008



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